

SENATE BILL 408

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 17,
Chapter 2, Part 3, relative to the appointment of
senior judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-2-303, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b)

(1) If the supreme court, at its discretion, determines that a former justice or judge is physically and mentally capable of performing valuable judicial service on a continuing basis and that the justice's or judge's service will promote the effective administration of justice, then the supreme court shall cause an appropriate commission to be issued under its seal for the period provided in subsection (c).

(2) Except as provided in subdivision (b)(3), no such commission shall be issued to any former justice or judge who, during the justice's or judge's most recent term of judicial service, sought reelection or retention but was defeated in the reelection or retention bid.

(3) Notwithstanding subdivision (b)(2), if the election following the most recent term of judicial service for a judge in a state court of record results in the judge not being reelected, the judge is authorized to be issued a commission if the judge has served at least a full eight-year term.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.